

REMARKS

Claims 1, 5-6, 8-10, and 16-22 are pending in the present application. Claims 1, 6, 8, 10 and 16, 18 and 20 are amended.

All pending claims stand rejected under one or more of 35 U.S.C. §§ 101 and 103(a).

Reconsideration of the present application is respectfully requested in view of the above amendments and following remarks.

Amendments to the Specification

The Specification is objected to a failing to provide proper antecedent basis for the claimed subject matter, namely the phrase “computer readable media”. Paragraphs [0018] and [0020] of the Specification have been amended to include a statement of what the phrase “computer readable media” would be as it would have been known to one of ordinary skill in the art at the time of the invention, and specifies that the “computer readable media” is “non-transitory” to verify that the recited limitation “computer readable media” in the claims is to be taken in the context of statutory subject matter. The objection of the Specification is now overcome.

Rejections Under 35 U.S.C. § 101

Claims 6, 8-9, 18 and 20 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular Claim 6 recites a “server” wherein the specification discloses the server has a memory which may be an array. The Examiner states that it is unclear within the specification if the array is supposed to be viewed as hardware or software, and that the word “array” does not inherently mean that the claim is directed to a physical machine. Claim 6 has been amended to recite “at least one server system configured with non-transitory computer-readable memory having computer readable program instructions stored thereon for allowing a user to edit an electronic product design...”. Since the server is now clearly directed to hardware, which is clearly within statutory subject matter, Applicant believes the rejection is now overcome with respect to Claim 6 and its dependent claims.

Claims 18 and 20 recite a “computer readable medium” and allegedly fail to disclose if the medium indicates any hardware. Claims 18 and 20 have each been amended to recite

“non-transitory computer readable medium”, which clearly places the claims within statutory subject matter.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §101 rejection of the claims.

Rejections Under 35 U.S.C. § 103

Claims 1, 6, 8, 16-18 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coloring.com in further view of Curls (Microsoft Word-Drawing Tools' p1-4, published as early as March 27, 2003).

Claim 1 recites:

A computer-implemented method for generating an image, the method comprising

associating a first color and a second color with a fill sub-element of a markup language shape element, the fill sub-element capable of accepting pattern fill content;

applying a grayscale image as pattern fill content of the fill sub-element, the grayscale image containing multiple color tones based only on the combination of a first component color and a second component color, the first component color set to the first color and the second component color set to the second color, and wherein a plurality of said multiple color tones are rendered using at least some of the first component color and at least some of the second component color;

displaying at least the element to a user, the multiple color tones of the grayscale image pattern fill content of the sub-element rendered based only on a combination of the first component color and the second component color;

allowing the user to select respective first and second colors from a plurality of colors to be applied to the first component color and the second component color;

updating the first color associated with the fill sub-element with the selected first color and the second color associated with the fill sub-element with the selected second color; and

displaying at least the element to a user, the multiple color tones of the grayscale image pattern fill content of the fill sub-element rendered based only on a combination of the first component color and the second component color, the first component color set to the updated first color and the second component color set to the updated second color, and wherein the plurality of said multiple color tones in said grayscale image rendered using at least some of the first component color and at least

some of the second component color are rendered using the updated first component color and the updated second component color.

Coloring.com discloses an online coloring book application wherein a user may select a black-and-white template from among a number of pre-designed black-and-white templates. Upon selection of a particular template, the user may then select either a color or an image from among a number of pre-determined colors and images displayed on a color palette toolbar. Upon selection of a color or image from the color/image palette, the user may then click within an area of the template to select an area from among a number of pre-designed areas in the template, and the system will automatically fill the entire selected area with the selected color/image and display it to the user.

Applicant's Claim 1 recites "applying a grayscale image as pattern fill content of the fill sub-element, the grayscale image containing multiple color tones based only on the combination of a first component color and a second component color, the first component color set to the first color and the second component color set to the second color, and wherein a plurality of said multiple color tones are rendered using at least some of the first component color and at least some of the second component color." On page 5, of the Office Action, the Examiner seeks to equate the uncolored template (coloring.com, p. 17) with "an image [that] contains multiple shapes that [are] capable of being pattern filled by a color within each shape." (Office Action, p. 5, ll. 8-11). The Applicant respectfully disagrees with the Examiner's characterization that the multiple shapes are capable of being "pattern" filled. Rather, each of the shapes disclosed in the image (pp. 17) of coloring.com is fillable only with a single color. *A single color is not a pattern.*

The Examiner further states that "Coloring.com discloses 'grayscale' images wherein the only two colors shown are white and black. Thus, the graphic/image is made up by the combination of the two component colors, black and white. *White makes up the area of each shape, while black makes up the outline of the patterns*, shapes or graphic/image. Thus, the grayscale image is used as content for the element shown in pp 8, 17 of the web page." (Office Action, p. 5, ll. 16-21). As explained in previous communications with the Office, the black outline is not part of the fill of the shape and thus is not part of a "pattern fill". While it is true that the outline of the shape and the white area inside the outline of the shape

together present a black-and-white image, the black outlines remain regardless of whether the areas within the outlines are filled or not. The areas inside the black outlines can be selected and “filled” with a single color (not a pattern); however, the black outline remains and its color cannot be changed. It is merely the outline of the shape element and has nothing to do with the “fill” sub-element. The “fill” therefore does not include the outline, and thus the outline cannot be considered part of the “fill”. Thus, Coloring.com does not teach or suggest any element capable of receiving a grayscale image as its “fill” content.

In an effort to further prosecution of the present application, Applicant has amended Claim 1 to clarify that the grayscale image applied as pattern fill content is applied as fill content to the “fill sub-element” of the element, and that the grayscale image contains “multiple color tones based only on the combination of a first component color and a second component color, … and wherein a plurality of said multiple color tones are rendered using at least some of the first component color and at least some of the second component color”. Coloring.com does not show any image having an element filled with multiple color tones based only on the combination of two colors and wherein a plurality of the multiple color tones includes a combination of at least some of the first color and at least some of the second color. The image shown on page 17 of the coloring.com web page shows only two colors - black and white, neither of which includes at least some black and at least some white. Furthermore, when a color is selected to fill an area of the image, that area still is only two colors - black (for the outline) and the selected color. There are not multiple color tones in the area, and there are certainly not a plurality of color tones rendered using at least some of the first color and at least some of the second color. Accordingly, Coloring.com does not teach or suggest “applying a grayscale image as pattern fill content of the fill sub-element, the grayscale image containing multiple color tones based only on the combination of a first component color and a second component color, the first component color set to the first color and the second component color set to the second color, and wherein a plurality of said multiple color tones are rendered using at least some of the first component color and at least some of the second component color” as recited in Applicant’s claim 1.

Applicant's Claim 1 recites "updating the first color associated with the fill sub-element with the selected first color and the second color associated with the fill sub-element with the selected second color". In Coloring.com, area receiving the color fill is the fill sub-element. When a user selects an area of the image and a color to fill it with, only the selected color is associated with the selected area. Thus, Coloring.com does not teach a "second color associated with the fill sub-element."

Applicant's Claim 1 has been further amended to recite "displaying at least the element to a user, the multiple color tones of the grayscale image pattern fill content of the fill sub-element rendered based only on a combination of the first component color and the second component color, the first component color set to the updated first color and the second component color set to the updated second color, and wherein the plurality of said multiple color tones in said grayscale image rendered using at least some of the first component color and at least some of the second component color are rendered using the updated first component color and the updated second component color". Again, as explained above, Coloring.com shows displaying only the update of the fill area of a selected area of the image. The outlines do not get updated, and the fill area does not include multiple color tones created only from two component colors and including at least some of both component colors.

The Examiner cites Curts as disclosing a feature in Microsoft Word that lets a user change a line color around a shape. However, the shape element in Microsoft Word comprises both a line sub-element and a fill sub-element. The line sub-element is not part of the fill sub-element. Thus, insertion of a grayscale image into the fill sub-element would have no impact on the color of the line of the shape. Curts only serves to emphasize the difference between the outline of the selectable image areas in the Coloring.com image and the fill component of the selectable image areas in the Coloring.com image. Clearly, the outline (or shape line sub-element) is not part of the fill content and therefore cannot be considered together with the fill content as a grayscale image that is applied to the fill sub-element.

For all of the above reasons, the Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of independent Claim 1, and for similar reasons independent Claims 6, 10 and 16, and each of the corresponding claims depending therefrom.

Reconsideration and withdrawal of the rejections of each of the claims is respectfully requested.

CONCLUSION

The Applicant therefore respectfully requests reconsideration and withdrawal of the 35 U.S.C. §§ 101 and 103(a) rejections of claims 1, 5, 6, 8-10, 12 and 16-22.

The Examiner is invited to call the undersigned in the event that a telephone interview may assist in the advancement of the prosecution of this application.

Respectfully Submitted,

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